



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

June 14, 2012

CBCA 2764-TRAV

In the Matter of STEPHANIE A. DIEHL

Stephanie A. Diehl, Port Republic, MD, Claimant.

Bonnie Petree, Head, Customer Service Division, Travel Department, Naval Air Warfare Center Aircraft Division, Department of the Navy, Patuxent River, MD, appearing for Department of the Navy.

KULLBERG, Board Judge.

The comptroller of the travel department at the Naval Air Warfare Center Aircraft Division (Navy), Patuxent River, Maryland, submitted this claim on behalf of Stephanie A. Diehl. Ms. Diehl seeks reimbursement in the amount of \$624.70 for additional airfare costs incurred during her return from temporary duty (TDY). For the reasons set forth below, the Board finds that Ms. Diehl is entitled to reimbursement for the increased cost of airfare.

Background

Ms. Diehl, a Navy employee, was issued TDY orders for travel to San Diego, California, for the period January 18-20, 2011. Her orders provided for a round-trip flight from Baltimore Washington International Airport (BWI) to San Diego, California, at a cost of \$605.40 (\$302.70 each way). During her TDY, Ms. Diehl was directed to return to her place of duty at Patuxent River, Maryland, for an 11:00 a.m. meeting on January 20, 2011. Her return flight was scheduled to arrive at BWI that same day in the afternoon, and, consequently, she would not be able to attend that meeting without changing her return flight reservation.

Ms. Diehl was involved in meetings on January 19, 2011, and she made several calls in between meetings to change her return flight. She first called her travel representative and requested that her scheduled return flight be changed to an “early morning” flight. Reservations were made for Ms. Diehl to arrive at BWI at 9:20 a.m, but upon learning of her new arrival time, Ms. Diehl realized that she would not have adequate time to drive from BWI, which was where she had parked her car, to her meeting at Patuxent River. Ms. Diehl then called the Government’s travel office, Carlson Wagonlit SATO Travel (SATO), and explained that she needed a flight that would arrive at BWI by 8:00 a.m. SATO then called her back and informed her that it had made a reservation for her on a flight from San Diego scheduled to depart at 10:45 p.m. Ms. Diehl thought that she had been booked on a flight to BWI, but when she arrived at the airport, she learned that SATO had booked her on a flight to Philadelphia. Ms. Diehl called SATO, but she was unable to reach a travel agent. She boarded the flight to Philadelphia, which arrived at 6:00 a.m. Upon her arrival in Philadelphia, she again attempted to call SATO, but no one answered. Ms. Diehl then purchased a ticket for a flight to BWI at a cost of \$516.70 plus a service fee of \$35. Her flight arrived at BWI at 8:30 a.m.¹

Ms. Diehl then submitted a travel voucher, which included the increased cost of airfare. The total cost of her round-trip airfare included: \$302.70 from BWI to San Diego; \$375.70 from San Diego to Philadelphia; and \$516.70 (plus a \$35 service fee) from Philadelphia to BWI. An electronic mail message dated March 4, 2011, from the customer service division informed Ms. Diehl that reimbursement for airfare was limited to \$605.40, which was the amount originally authorized, and she was directed to submit a claim for that amount. Ms. Diehl was not reimbursed for the additional cost of her return flight, which totaled \$624.70.

On April 14, 2011, Ms. Diehl submitted a memorandum in which she sought reconsideration of her claim. There were several exchanges of electronic mail messages between Ms. Diehl and various persons within the Navy regarding her claim. As a result of those communications, the Navy then forwarded this matter to the Board on Ms. Diehl’s behalf.

¹ The Board is making its findings of fact based upon Ms. Diehl’s representation of the events in this matter. As discussed below, the Navy has asserted that Ms. Diehl requested the flight to Philadelphia, but the Board finds inadequate support for that contention.

Discussion

This case presents the issue of whether Ms. Diehl can be reimbursed for the full cost of her return flight where the reason for the added cost of her airfare was because SATO booked her on a flight to Philadelphia instead of BWI, which was her intended destination. The Navy and Ms. Diehl have offered differing versions of why Ms. Diehl was booked on a flight to Philadelphia. The Navy contends that Ms. Diehl requested that SATO book her on a flight to Philadelphia and reserve a rental car to be driven from Philadelphia to BWI. Ms. Diehl has denied the Navy's assertions, and she claims that she only requested a flight that would get her to BWI early enough so that she could attend her meeting. She contends that she only discovered that she had been booked on a flight to Philadelphia after her arrival at the San Diego airport, and she did not know that a rental car had been reserved at the Philadelphia airport until after she received the Navy's agency report in this matter, which was more than a year after her TDY.

In order to resolve the parties' conflicting stories, the Board directed the Navy to identify the SATO employee who spoke with Ms. Diehl and provide an affidavit from that employee. Subsequently, the Navy informed the Board that it had been advised by SATO that the employee who had spoken with Ms. Diehl had no recollection of the events relevant to this case. The Board draws an adverse inference from the Navy's response. In the absence of a statement from the SATO employee who actually spoke with Ms. Diehl that would explain why she was booked on a flight to Philadelphia, the Board adopts Ms. Diehl's account of the facts relevant to this case.

The circumstances of Ms. Diehl's return flight from San Diego to BWI illustrate a situation not specifically addressed in statute and regulation. Statute provides that an employee of the Government on official travel is entitled to "reimbursement for the actual and necessary expenses of official travel not to exceed an amount established by the Administrator [of General Services] for travel within the continental United States." 5 U.S.C. § 5702(a)(1)(B) (2006). The Federal Travel Regulation (FTR), which applies to Ms. Diehl, requires that an employee arrange travel through a government travel agent. 41 CFR 301-50.3 (2010) (FTR 301-50.3). An agency, however, may grant an exception to the use of a government travel agent when doing so would "result in an unreasonable burden on mission accomplishment." *Id.* 301-50.4(a). It has been recognized that when an employee on official travel is sent to the wrong destination through administrative error and the traveler is unable to make the correct travel arrangements through the Government, that employee will be compensated fully for the personal expense incurred for travel to his actual destination. *John T. Davis*, B-216633 (Mar. 27, 1985) (traveler boarded the wrong plane and had to purchase a ticket to the correct destination); *Patrick G. Orbin*, B-215550 (Oct. 23, 1984) (traveler was issued an airline ticket to the wrong destination). This Board

has noted that, absent a specific prohibition, a claimant should be reimbursed for the costs incurred because of a government administrative error. *Mark T. Stephenson*, CBCA 2072-TRAV, 11-1 BCA ¶ 34,648, at 170,735 (2010).

Ms. Diehl's increased airfare costs were the result of being booked on a flight to Philadelphia instead of her destination, which was BWI. It was only after her arrival at the San Diego airport that she learned that she had been booked on a flight to Philadelphia instead of BWI, and she was unable to reach SATO to rectify the problem. She again attempted unsuccessfully to contact SATO upon her arrival in Philadelphia in the early morning. It was at that point she purchased a ticket for BWI. Ms. Diehl's actions were prudent, under the circumstances, because no other course of action would have enabled her to arrive at her meeting on time. Reimbursement for the increased cost of her return flight is justified.

Decision

The claim is granted. The Navy shall reimburse Ms. Diehl in the amount of \$624.70 for the additional costs she incurred for her return flight from San Diego to BWI.

H. CHUCK KULLBERG
Board Judge